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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,328	10/21/2003	Gilad Israel Elbaz	53051/288071	2189

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PATENT DEPARTMENT - 53051
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EXAMINER

COUGHLAN, PETER D

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,328

Applicant(s)

ELBAZ ET AL.

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>'A', 'B', 'C'</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-26 are pending in this application.

35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-26 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. The determination of a knowledge meaning item has no purpose in the real world.

In determining whether the claim is for a “practical application,” the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is “useful, tangible and concrete.” If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to

the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

The value of 'knowledge meaning item', relationships between different classes of data, generation of probabilities has no real world application.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a
useful (specific, substantial, AND credible),
concrete (substantially repeatable/ non-unpredictable), AND
tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

A method that solely generates values from an algorithm and relational databases connection statements are not statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 12, 14-22, 24, 25 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Gerace**) being anticipated by Gerace, U.S. 5848396.

Claims 1, 14.

Gerace anticipates receiving a knowledge item (**Gerace**, C22:58-65; 'Knowledge item' of applicant is equivalent to a searchable category of Gerace.); receiving related information associated with the knowledge item (**Gerace**, C9:40-51; 'Related information' of applicant is equivalent to 'page display' of Gerace.); determining at least one related meaning based on the related information (**Gerace**, C11:13-23; 'Related meaning' of applicant is equivalent to 'previously accessed' information of Gerace.); and determining a knowledge item meaning for the knowledge item based at least in part on the related meaning. (**Gerace**, C6:46-57; 'Knowledge item' of applicant is equivalent to information that is generated when a user logs on and information is recorded pertaining to the user activities of Gerace.)

Claims 2, 15.

Gerace anticipates the knowledge item is a keyword. (**Gerace**, C22:58-65; 'Keyword' of applicant is one of many searchable categories of Gerace.)

Claims 3, 16.

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Gerace anticipates the related information comprises related articles.

(**Gerace**, C9:40-51; One example of 'related articles' of Applicant is equivalent to 'real estate' of Gerace.)

Claims 4, 17.

Gerace anticipates the articles comprise an advertisement from an advertiser who has bid on the knowledge item. (**Gerace**, C9:40-51; 'Advertiser who has bid' of applicant is equivalent to 'sponsor' of Gerace.)

Claims 5, 18

Gerace anticipates the articles further comprise a web page associated with the advertisement. (**Gerace**, C9:40-51)

Claims 6, 19.

Gerace anticipates the related information further comprises related data. (**Gerace**, C11:13-23; Gerace illustrates related data is the 'City Page'. 'Related information' of applicant is equivalent to 'name, address, telephone...' on the 'City Page' of Gerace.)

Claims 7, 20.

Gerace anticipates related data comprises cost per click data associated with the advertisement. (**Gerace**, C12:64-67; 'Cost per click' of applicant is equivalent to 'overview report' of Gerace.)

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Claims 8, 21.

Gerace anticipates receiving the knowledge item further comprises processing the knowledge item to determine any known associated concepts. (**Gerace**, C4:12-29; 'Associated concepts' of applicant is equivalent to 'patterns' of Gerace.)

Claims 9, 22.

Gerace anticipates a plurality of associated concepts and determining the knowledge item meaning comprises determining which of the associated concepts represents the knowledge item meaning. (**Gerace**, C4:12-29; 'Knowledge item meaning' of applicant is equivalent to 'inferences' of Gerace. 'Inferences' are based on 'patterns' of Gerace.)

Claims 11, 24.

Gerace anticipates the knowledge item meaning comprises a weighted vector of concepts. (**Gerace**, C12:22-42; 'Weighted vector of concepts' of applicant is equivalent to 'relative importance (e. g. weight) with respect to each criterion' of Gerace.)

Claims 12, 25.

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Gerace anticipates the knowledge item meaning comprises related clusters of words. (**Gerace**, C14:66 through C15:10; 'Related cluster of words' of applicant is equivalent to 'identifies which terms' of Gerace.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace as set forth above in view of Becker (U. S. Patent 5878223, referred to as **Becker**)

Claims 10, 23.

Gerace fails to particularly call for establishing a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; determining a strength of relationship between each knowledge item concept and each related meaning concept; and adjusting the probability for each knowledge item concept based on the strengths.

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Becker teaches establishing a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; (**Becker**, C9:18-28; 'Knowledge item concept' of applicant is equivalent to 'next-to-be-selected' of Becker.) determining a strength of relationship between each knowledge item concept and each related meaning concept (**Becker**, C9:18-28; 'Determining a strength' of applicant is equivalent to 'highest preference indication' of Becker.); and adjusting the probability for each knowledge item concept based on the strengths. (**Becker**, C9:18-28; 'Adjusting' of applicant is equivalent to 'updating' of Becker.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Gerace by generating and using probability values to tie together knowledge concept items and related meaning concept as taught by Becker to establish a probability for each knowledge item concept that the knowledge item should be resolved to the knowledge item concept; determining a strength of relationship between each knowledge item concept and each related meaning concept; and adjusting the probability for each knowledge item concept based on the strengths.

For the purpose of using the probabilities to aid in prediction of events.

Claims 13, 26.

Gerace fails to particularly call for establishing a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept; and establishing a probability for each related

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meaning concept that the knowledge item should be resolved in part to the related meaning concept.

Becker teaches establishing a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept (**Becker**, C9:18-28; 'Knowledge item concept' of applicant is equivalent to 'next-to-be-selected' of Becker.); and establishing a probability for each related meaning concept that the knowledge item should be resolved in part to the related meaning concept. (**Becker**, C19:14-19; Probability to resolve related meaning concepts of applicant is accomplished by 'multi-level prediction tables' of Becker.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Gerace by generating probability values and using them to have cohesive relationships between knowledge item and knowledge concept item and between related meaning and related meaning concept as taught by Becker to establish a probability for each knowledge item concept that the knowledge item should be resolved in part to the knowledge item concept; and establishing a probability for each related meaning concept that the knowledge item should be resolved in part to the related meaning concept.

For the purpose of using the probability values for prediction of future events.

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Conclusion

The prior art of record and not relied upon is considered pertinent to the applicant's disclosure.

-U. S. Patent 5918014: Robinson

-U. S. Patent 5859972: Subramaniam

-U. S. Patent 5949876: Ginter

-U. S. Patent 5872850: Klein

Claims 1-26 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

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Peter Coughlan

5/20/2006

